

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CLERK**

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NEW YORK PACKAGING II, LLC,

11:23 am, Mar 16, 2021

Plaintiff,

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

-against-

ORDER
20-CV-304 (JMA) (ARL)

SFM LLC d/b/a SPROUTS FARMER'S
MARKET,

Defendant.
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AZRACK, United States District Judge:

Plaintiff New York Packaging II, LLC ("Plaintiff") commenced this action against defendant SFM LLC d/b/a Sprouts Farmer's Market ("Defendant") for breach of contract. (See ECF No. 1.) Defendant filed a motion to dismiss, which I referred to Magistrate Judge Lindsay for a report and recommendation on December 11, 2020. Judge Lindsay issued a report and recommendation dated March 1, 2021, recommending that Defendant's motion be granted (the "R&R"). (ECF No. 15.)

In reviewing a magistrate judge's report and recommendation, the Court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the R&R and the deadline for filing any

such objections has passed. I have reviewed Judge Lindsay's R&R for clear error and, finding none, I hereby adopt Judge Lindsay's comprehensive and well-reasoned R&R as the opinion of the Court. Accordingly, the Court **GRANTS** Defendant's motion to dismiss. The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

Dated: March 16, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE